

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	Chapter 7
Patrick Lee Olson,	:	Bankruptcy No. 22-11556-MDC
Debtor.	:	
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Michael Wiley, successor by assignment to	:	
McGrath Technical Staffing, Inc. d/b/a McGrath	:	
Systems,	:	
Plaintiff,	:	
v.	:	Adversary No. 22-00058-MDC
Patrick Lee Olson,	:	
Defendant.	:	
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ORDER

AND NOW WHEREAS, on July 5, 2023, the plaintiff Michael Wiley (the “Plaintiff”) filed an adversary Complaint (the “Complaint”)¹ against the debtor Patrick Lee Olson (the “Defendant”), seeking a determination that the Plaintiff’s state court judgment against the Defendant (the “Judgment”) is non-dischargeable pursuant to 11 U.S.C. §§523(a)(2) and (a)(4).

AND, on January 5, 2023, the Defendant filed a motion for summary judgment (the “Defendant’s Summary Judgment Motion”).²

AND, on January 6, 2023, the Plaintiff filed a motion for summary judgment (the “Plaintiff’s Summary Judgment Motion” and together with the Defendant’s Summary Judgment

¹ Adv. Pro. Docket No. 1.

² Adv. Pro. Docket No. 19.

Motion, the “Summary Judgment Motions”).³

AND, on March 1, 2023, the Court held a hearing (the “Hearing”) on the Summary Judgment Motions, after which the Court took the matter under advisement.

AND, upon consideration of the Summary Judgment Motions, all briefing in support thereof and in opposition thereto, and the arguments of counsel at the Hearing.

It is HEREBY ORDERED, ADJUDGED, AND DECREED, that

1. The Summary Judgment Motions are **DENIED**.
2. Although there is no genuinely disputed issue of material fact that the Defendant incurred a debt to the Plaintiff of at least \$490,000 by fraud, false pretenses, and/or false representations under 11 U.S.C. §523(a)(2)(A), there remain genuine factual disputes as to whether the Plaintiff’s prior actions in his own personal bankruptcy case and the bankruptcy case of McGrath Technical Staffing, Inc. warrants application of judicial estoppel, and if not, the amount of the Plaintiff’s claim that is properly deemed non-dischargeable and whether the elements of a claim pursuant to 11 U.S.C. §523(a)(4) are satisfied. These issues cannot be determined without the presentation of evidence at trial.
3. The previously-scheduled trial on the claims in the Complaint and the defenses thereto shall proceed August 8, 2023, at 12:30 p.m. by video conference.

Dated: August 2, 2023



MAGDELINE D. COLEMAN
CHIEF U.S. BANKRUPTCY JUDGE

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³ Adv. Pro. Docket No. 21.

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